

JANUARY 30, 2006

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January 30, 2006 LB 833, 891, 907, 950, 999, 1007, 1188
 LR 276
 277

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our chaplain of the day is Pastor Delmar Wiemers, First Lutheran Church, Fremont, Nebraska; Senator Janssen's district. Pastor, please.

PASTOR WIEMERS: (Prayer offered.)

SENATOR CUDABACK: Thank you, Pastor Wiemers, for being with us this morning. Senator Janssen represents the 15th District. We call the seventeenth day, Ninety-Ninth Legislature, Second Session, to order. Senators, please check in. Record please, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

SENATOR CUDABACK: Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CUDABACK: Any messages, reports, or announcements, please?

CLERK: Mr. President, your Committee on Health and Human Services, chaired by Senator Jensen, reports LB 891 to General File; LB 833, General File with amendments; LB 950, General File with amendments; and LB 999, indefinitely postponed. Transportation reports LB 1007 to General File; Urban Affairs reports LB 907 to General File with amendments. Hearing notices from Judiciary Committee, and Senator Connealy would like to withdraw LB 1188. That will be laid over, Mr. President. And that's all that I have at this time. (Legislative Journal pages 487-496.)

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Thank you, Mr. Clerk. Members, while the Legislature is in session and capable of transacting business, I propose to sign and do now sign LR 276 and LR 277. Thank you. (Legislative Journal page 496.)

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SENATOR CUDABACK: We now go on to General File, special order, LB 542A. Please, Mr. Clerk.

CLERK: LB 542A, by Senator Burling. (Read title.)

SENATOR CUDABACK: Senator Burling, you're recognized to open on LB 542A.

SENATOR BURLING: Thank you very much, Mr. President. LB 542A, of course, is appropriations bills for the mainline bill, LB 542, which creates the tax reform commission that we dealt with a couple weeks ago. I thank my colleagues for advancing that to Select File, and I'll apologize to them for any part that I played in the confusion that existed on getting the A bill advanced. And so I want to thank the Speaker for putting this back on the agenda. It contains \$100,000 amount on the A bill, and it has an amendment on it, and so I think I'll just close with that for the opening and let you consider the amendment, Mr. President. Thank you.

SENATOR CUDABACK: Thank you, Senator Burling. Members, I know it's Monday morning, but please try to keep the noise to a moderate level. Mr. Clerk, please.

CLERK: Mr. President, Senator Chambers would move to amend with FA351. (Legislative Journal page 357.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on your amendment to LB 542A.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I strongly opposed LB 542. It's setting up some kind of group who will make a study relative to taxation. This is the A bill, and I'm separating my strong opposition to LB 542, the underlying bill, from LB 542A. Since the body voted cloture so that they could move that bill, it means they want it, that they support it, and they support it to such an extent they're willing to let it cast a pall over the rest of the session, along with other

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bills that they have clotured. But if you are bound and determined to embark on this course which I think is unwise, you ought to at least show that you have seriousness of intent and that this study is supposed to be one undertaken in a responsible manner. I'd like to ask Senator Burling a question.

SENATOR CUDABACK: Senator Burling, would you respond to a question?

SENATOR BURLING: Yes.

SENATOR CHAMBERS: Senator Burling, the A bill as it stands now calls for \$100,000 to do the study. Is that correct?

SENATOR BURLING: That's right.

SENATOR CHAMBERS: And you know that my amendment would reise that amount to \$250,000. Is that correct?

SENATOR BURLING: Yes.

SENATOR CHAMBERS: Do you agree with this amendment?

SENATOR BURLING: Yes, I'll support it.

SENATOR CHAMBERS: Thank you, Senator Burling. Members of the Legislature, this amount that I'm offering is not exorbitant. As a matter of fact, when you consider what LB 542 calls for, the involvement of various individuals who are not volunteers, \$250,000 may not be enough, but rether than put Jeguer or Rolls-Royce price tags on a bill such as this, I'm willing to go by Volkswagen. It may take a little longer, but we will get there eventually. So this amendment of mine would strike the figure \$100,000 from the A bill and substitute \$250,000. To get anybody who is competent and capable and in the highly technical area that LB 542 deals with is going to cost some money. People always say you get what you pay for. I don't say that. I say you get no more than what you pay for. Usually, you will not get as much as what you pay for. So if we start out cheap, as the current A bill would do, you should scrap the whole thing. Nothing of value or substance can be eccomplished with that

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amount of money. The \$250,000 may also be low, but it at least brings us within the ballpark of people who could undertake to discharge some of the requirements of that bill. So if you have any questions, I'm prepared to answer them, and I hope you will accept this amendment. And if you do, I'm not going to hinder the A bill with any other amendments. When the underlying bill comes up for discussion on Select File, if it does, then and only then will I reignite the discussion. We have three stages of debate. The heavy lifting should be done on General File. We did some, but not enough. We should pick up some of the scraps and tie up loose ends on Select File, but we have developed the practice of postponing, procrastinating, and putting off. So now Final Reading has become a third round of debate, rather than the time primarily set aside for simply reading the bill and doing those technical things that are necessary to allow the bill to be enacted into law. We did not do everything on General File that I felt should be done on this bill, but I'm not going to renew that debate on the A bill. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on FA351. (Visitors and doctor of the day introduced.) On with discussion of the Chambers amendment. Senator Kopplin.

SENATOR KOPPLIN: Thank you, Mr. President, members of the Legislature. I stand because I wish to support this amendment by Senator Chambers. My problems with this bill as it was presented were, first of all, the length of time that the committee would be given to do their study, and the second, that they didn't have sufficient funding to conduct the kind of in-depth discussion that they were talking about. I believe this amendment presented by Senator Chambers would help to resolve at least that portion of my concerns about it, and I stand in support. Thank you.

SENATOR CUDABACK: Thank you, Senator Kopplin. Senator Brashear.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. I rise in support of Senator Chambers' amendment. One of

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my concerns during our extensive discussion on General File of the main bill was the fact that, how are we going to do this task if we don't have sufficient monies? I can tell you that the need for meeting and meeting expenses and research and assistance and support, in my experience as it relates to other efforts of this kind, would indicate that the initial appropriation, which was cut from \$200,000 to \$100,000, is too drastic. We have further opportunity in the Select File and appropriating process to deal with this. I think this is a reasonable proposal on Senator Chambers' part and, in fact, supports the effort in its entirety. It's the old rule: Always try to make the legislation better. It will also allow us to move this bill, to catch it up to the main bill, and I urge its adoption. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Further discussion on the Chambers amendment, FA351? There are no lights on, Senator Chambers. The Chair recognizes you to close. Senator Chambers waives closing. The question before the body is, shall FA351 be adopted to LB 542A? All in favor vote aye; opposed vote nay. Voting on the adoption of the Chambers amendment. Have you all voted on the question who care to? Please record, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment.

SENATOR CUDABACK: The Chambers amendment has been adopted.

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CUDABACK: Back to discussion of the bill itself, LB 542A. There are no lights on. Senator Burling, you're recognized to close on your LB 542A.

SENATOR BURLING: Thank you, Mr. President. Thank you, colleagues. I just urge you to vote in the affirmative of advancing this to Select File. Thank you very much.

SENATOR CUDABACK: Thank you, Senator Burling. You've heard the closing on advancement. The question is, shall LB 542A advance

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to E & R Initial? All in favor of the motion vote aye; all those opposed vote nay. The question before the body is advancement of LB 542A to E & R Initial. Have you all voted on the question who care to? Please record, Mr. Clerk.

CLERK: 31 ayes, 1 nay, Mr. President, on the advancement of LB 542A.

SENATOR CUDABACK: The motion was successful. LB 542A does advance. We now go on to General File. Mr. Clerk, LB 72, please.

CLERK: Mr. President, LB 72, originally introduced by Senator Stuhr. (Read title.) Introduced on January 6 of last year, at that time referred to the Government Committee, advanced to General File. The bill has been discussed on February 16 of last year, January 19 and January 23 of this year. Committee amendments as well as a number of amendments to the committee amendments have been adopted, Mr. President. I now have pending to the bill, Senator Chambers' FA362. (Legislative Journal page 440.)

SENATOR CUDABACK: Thank you, Mr. Clerk. It has been several days, Senator Stuhr, since we have discussed this. Would you give us brief summary of the bill itself?

SENATOR STUHR: Thank you, Mr. President and members of the body. For some time we have been discussing LB 72, which proposes to license and regulate security guards by creating the Security Personnel Licensing Act. As has been stated, we began this discussion last year. We have been working with the industry and I have been working with members of this body to smooth the language and to make it more acceptable. So with that, I think that gives just a little bit of the background of the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. Senator Chambers, you have opened, but would you like to give us a brief summary of your amendment, please?

SENATOR CHAMBERS: Mr. President, members of the Legislature,

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rather than give an opening on that amendment, I'm going to take a few minutes to explain how I think we're going to proceed on Senator Stuhr's bill this morning. As you can see from the listing of amendments in my name, I have considerable disagreement with the bill the way it is drafted. Rather, however, than rewrite the bill on the floor in the manner that I had proposed to do, Senator Stuhr has worked with others to redraft the bill. What I have agreed to do, under the bludgeoning, threatening, torquing, suffocating by the Speaker of your Legislature, your Speaker of your Legislature whom I used to refer to as the "Silver Fox," I have been whipped into submission at this stage. I intend to withdraw all of my pending amendments. Senator Stuhr will then offer her omnibus amendment, which in effect rewrites the bill. I have not read it in detail, but there are parts of that with which I disagree, and Senator Stuhr is aware of the fact that I'm not satisfied with the rewrite. But Senator Brashear is a compassionate man when it suits his purpose to be so. He showed compassion for Senator Stuhr. But he showed no compassion for me, the oldest member of the Legislature. And we on this floor deal, Senator Howard, with reality and pragmatism. So the better part of valor for me at this point is to withdraw my amendments, let Senator Stuhr offer hers. Then, if she can get enough votes to advance the rewritten bill, it will move to Select File and at that time I will renew my analysis and taking apart of the rewrite, should that be necessary. Not having read it, I'm not certain how many of the problems that I saw with it have been corrected, but one that still looms is allowing the Secretary of State to issue firearms licenses. Another area seems to exempt law enforcement officers from having to have a security guard license to carry on this activity. That has to be changed. Anybody who's going to engage in this work for pay has to have a license. When these cops are serving as a security guard, they should not be allowed to wear the uniform of the law enforcement agency for which they work, since the bill says that everybody else has to have a uniform distinctive and different from that worn by law enforcement personnel. So this is not going to be one of those bills, if I have anything to say about it or do to it, which gives the cops a leg up in a private business, while they have one of the most lucrative jobs, at least in Omaha, imaginable. When you see how they manipulate the work hours to

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give a cop a lot of overtime and other perks--they don't call them that--money which can be figured into calculating his or her retirement, you see that they don't need to be put in a position to compete with these entrepreneurs. I do not have a lot of regard for security guard people. They're called rent-a-cops. This bill is not going to correct those problems. However, I do not think there should be the meticulous type of setting out in statute process which we have in this bill. Some things are mentioned as standards, but they're listed as requirements. So there is the using of language to describe what various parts of the bill are, and consistency is not there. So if you have any questions of me, I'm prepared to answer them, but while I am standing, if it's allowed, I will tell the Clerk the amendments that I'm to withdraw, for the sake of the record, and I'll just read them off. In reality, it will...I will withdraw them all, but they are, by number, FA362, FA363, FA364, FA365, FA366, FA367, FA368, FA369, FA370. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. They are withdrawn. Mr. Clerk, when you get time, next amendment.

CLERK: Mr. President, the next amendment I have is Senator Stuhr, AM1966. (Legislative Journal page 474.)

SENATOR CUDABACK: Senator Stuhr, you're recognized to open on AM1966 to LB 72.

SENATOR STUHR: Thank you, Mr. President and members of the body, and I thank you for your past support in deliberating this issue. We do have a new amendment before us, and I thank Senator Breshear and also Senator Chambers for their concern in some of the areas. Actually, what the amendment does is just rearrange some of the language and I would say it's sort of smoothing language, rearranging some of the sections. The main concept remains the same. And I know that Senator Chambers expressed some concern about some of the sections, particularly the firearms section, possibly changing that from the Secretary of State to the State Patrol, and I'm certainly...be willing to work with him on that area. And also, I think we're having just the language...interpreting the language a little bit

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differently for...as it relates to police officers. So I certainly will be willing to work with him in between now and when it comes back on Select File. So that merely just sums up. There are no changes, appreciable changes, except I do believe that the bill is probably...adds some more clarity the way it has been rearranged, and I would ask for your support on this amendment, because this amendment will become the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. You've heard the opening on AM1966, offered by Senator Stuhr to LB 72. Open for discussion on that motion. Anybody wishing to discuss? Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, just so that it's crystal-clear what Senator Stuhr said, she has not professed to have taken care of all the problems in the bill, but there has been some rearranging, some smoothing language, as she referred to it. I don't want anybody to get the impression that by my not resisting this effort, I therefore support the rewrite. I've got to read it, analyze it, then I will work on it in the way that I think appropriate. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator...

SENATOR CHAMBERS: Thank you, Senator Stuhr, with one exception. You thanked Senator Brashear and you thanked me. It's all right for you to thank Senator Brashear, the hammer, but you should have extended condolences to me, because I'm the one who was bludgeoned. (Laughter) Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion on the Stuhr amendment? There are no lights on. Senator Stuhr, you're recognized to close. Senator Stuhr waives closing. The question before the body is, shall AM1966 be adopted to LB 72? All in favor of the motion vote yes; all those opposed vote nay. The question before the body is adoption of the Stuhr amendment, AM1966. Have you all voted who care to? Please record, Mr. Clerk.

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CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Stuhr's amendment.

SENATOR CUDABACK: The Stuhr amendment has been adopted.

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Back to discussion on the advancement of LB 72. Any senators wishing to speak to the question? Seeing no lights on, Senator Stuhr, you're recognized to close.

SENATOR STUHR: Thank you, Mr. President and members of the body. Again, I thank you for your patience and your participation in the discussion. I do believe that this is an important matter before us. Most of us take for granted that there are standards and levels of training for security officers in this state, or personnel. Our state does not have any. We're one of the few, a handful of states, that does not regulate or license the private security industry. So in time of terror alerts and national security issues, I believe it's even more important that we work together and establish some standards in this area. With that, I ask for your support. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. The question before the body is, shall LB 72 advance to E & R Initial? All in favor of the motion vote aye; all those opposed to the motion vote nay. The question before the body is the advancement of LB 72. Have you all voted who care to? Please record, Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB 72.

SENATOR CUDABACK: LB 72 does advance. We now go to LB 72A. Please, Mr. Clerk.

CLERK: LB 72A, by Senator Stuhr. (Read title.)

SENATOR CUDABACK: Senator Stuhr, to open.

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SENATOR STUHR: Thank you, Mr. President and members of the body. There are some costs involved, particularly from the Secretary of State, if it would be necessary to hire some additional staff. And of course, that may be changed as we move along. Also, there are some costs in relationship to the State Patrol, in the fingerprinting and in that area. But there, of course, will be some revenue garnered from the licensing fee. So I do not believe that the fiscal impact will...it will be negligible. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. Heard the opening on LB 72A. Open for discussion. Senator Stuhr, there are no lights on. You're recognized...she...Senator Stuhr waives her opportunity to close. The question is, shall LB 72A advance to E & R Initial? All in favor of the motion vote aye; those opposed vote nay. Voting on the advancement of LB 72A. Have you all voted who care to? Please record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 72A.

SENATOR CUDABACK: The motion was successful. LB 72A does advance. We now go to the next agenda item. Mr. Clerk, LB 87.

CLERK: LB 87, introduced by Senator Byars. (Read title.) The bill was introduced on January 6 of last year, referred to Health and Human Services Committee. The bill was advanced to General File.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Byars, to open on LB 87.

SENATOR BYARS: Thank you, Mr. President and members of the body. LB 87 is the bill that was introduced last year and came to the Health and Human Services Committee. There is an amendment, AM1812, which does address changes in dates, because we were not able to do that last year, and clarify some of the language in the bill. There was no opposition to this bill as presented in Health Committee. Basically, it's a continuation of the original licensure regulations that we put in the statute

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in 2002 relating to deaf and hard-of-hearing interpreters. The bulk of the licensure requirements were placed in statute at that time. This legislation was brought to me by the deaf and hard-of-hearing community and is mainly a result of the Attorney General's review of the draft regulations, and said that the regulations could not be approved because we didn't have in statute what the requirements were of the commission. So this does place in statute the ability to approve a recognized continuing education units and terms of service on the commission. So it does change the licensing. The amendment will change the licensing date to June 30, 2007. It clarifies the responsibility and duties of the Interpreter Review Board and define the role of the Deaf and Hard of Hearing Commission, clarifies the type of licensure, approves the conduct and sponsor of continuing education, assessment of continuing competency, and charges reasonable fees. Basically, this is the bill in its simplest form. Again, we made changes in the amendment, AM1812, to be able to comply with the change of dates from last year to this year. And I would ask for the approval of LB 87.

SENATOR CUDABACK: Thank you. You've heard the opening on LB 87. Mr. Clerk, motion please.

CLERK: Senator Byars would move to amend with AM1812, Mr. President. (Legislative Journal page 386.)

SENATOR CUDABACK: Senator Byars, to open on AM1812.

SENATOR BYARS: I think basically I've given you the explanation. AM1812 basically becomes the bill and cleans up LB 87, as it was introduced.

SENATOR CUDABACK: Thank you, Senator Byars. You've heard the opening on AM1812 to LB 87. Open for discussion on that motion. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, in order that I am clear on what it is we're doing, Senator Byers, everything will be stricken from the bill and the only thing that will be left is your amendment that appears on the gadget.

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Is that correct?

SENATOR BYARS: That is correct, Senator.

SENATOR CHAMBERS: I'm scrolling, or whatever you call it, so I can see what all is on it, because in looking at your amendment, it may do away with some of the concerns that I had. Maybe I can get some help from Senator Byars. Senator Byars, did you look at the amendments that I have offered?

SENATOR CUDABACK: Senator Byars, would you yield?

SENATOR BYARS: No, I have not.

SENATOR CHAMBERS: So as far as you know and as far as I know, they still may apply to the amendment that you're offering?

SENATOR BYARS: They could. I would not make a judgment. I've not seen your amendments. I apologize, Senator. Could you briefly explain those to me?

SENATOR CHAMBERS: Well, yes. I'll take a second here. We can kind of amble, mosey, and move in a leisurely fashion this morning, because we kind of ease into the rest of the week, thanks to the way the Speaker operates. Some of these seem to appear minor, and maybe they are, but I think some correction is necessary, but I cannot, in the short time that I have here, compare what you have offered with what is in the green copy. So what I am going to do is just see what happens in terms of the adoption of Senator Byars' amendment, and that may give me time to do some correlating. Thank you, Mr. President. Thank you, Senator Byars.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion on AM1812? Senator Byars.

SENATOR BYARS: Thank you, Mr. President. And, Senator Chambers, to continue our conversation, I've had an opportunity to look at your first amendment, and I don't think probably we're going to have any problem working through these. I think the amendments you're offering are basically technical, and

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certainly, as we have in the past, would work together, if there are some significant changes that need to be made between now and Select File, so we can make sure the bill is clean.

SENATOR CUDABACK: Thank you, Senator Byars. Senator Byars, there are no further lights on wishing to speak. Senator Byars, you're recognized to close on AM1812. Senator Byars waives closing. The question before the body is, shall the Byars amendment, AM1812, be adopted to LB 87? All in favor vote aye; opposed vote nay. Voting on the adoption of the Byars amendment, AM1812, to LB 87. Have you all voted on the question who care to? Please record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of Senator Byars' amendment.

SENATOR CUDABACK: The Byars amendment has been adopted. Mr. Clerk, please, next motion.

CLERK: Mr. President, the next amendment I have is by Senator Chambers. Senator, FA372. (Legislative Journal page 485.)

SENATOR CUDABACK: Senator Chambers, to open on FA372.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, Senator Byars and I always have been able to work our way through issues. Sometimes the result would be one he didn't like, but on this bill, I don't think that will be the case. So ultimately, I'm going to withdraw these pending amendments, allow his bill as amended to move, and I will look at it and see if the amendments still would apply, and we can work that out. But I need to take a little bit of time here. There are some very serious, emotion-provoking bills that will be heard before the Education Committee today, and a situation in Omaha led to the introduction of at least one of the major bills in that group. If it gets out here and we have this battle between the suburban districts, which I feel, based on their attitude, are primarily racist--that would be Millard, Elkhorn, I know that Westside joined them, and the third one escapes my memory right now...Ralston. Those four have developed what they call the coalition of suburban school

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districts. Segregation, racism, discrimination are involved, and we're going to have an opportunity to explore those issues if that bill comes out here. And I'm going to take the opportunity to enlighten my colleagues on the things that are not taught to black children, white children, or any children in the public schools within the city of Omaha, including those suburban districts. I see that the number of Senator Byars' amendment, which was adopted, is AM1812. That's a conspicuous number. The bookmarks of American history can be wars. The Revolutionary War, War of 1812, Civil War, Spanish-American War, First World War, Second World War, Korea, Vietnam, Lebanon, and you can throw them all in, and they're the bookmarks of American history. In 1812 there was a war between America and Britain on the soil of this country. The most significant battle was the Battle of New Orleans, which took place in 1814. The British were going to launch an attack on the American forces. Andrew Jackson had put together a collection of people which included pirates, Indians, black people, anybody he could get. He had promised my ancestors that if they would fight for this country they would have their freedom, and that was a lie, just like the promise during the Revolutionary War that if we fought for this country we would have our freedom. But there was a man named Major Savory, S-a-v-o-r-y, from Heiti, black like me! The British were very disciplined. They followed their leader, even if the leader led them into the valley of death--The Charge of the Light Brigade. The general leading the British forces was Edward Packingham, and he was a very demonstrative, impressive figure. So when he raised his sword and stood in the stirrups on the back of his horse, ready to give the order to charge, Major Savory, from a distance of over 100 yards, sited down that barrel on the place where the straps across Packingham's chest crossed, and he fired. His aim was true. Packingham pitched forward, fell from his horse. The British troops were put in disarray. A black man--you all never heard of him. You probably never heard of General Packingham, either. That's American history. You don't learn it. The reason Napoleon got out of this hemisphere was because the black slaves in Heiti whipped the French army, and when those slaves whipped Napoleon's army, it became clear that there was no future for France in this hemisphere. So when you have people tell you about the purchase labeled the Louisiana Purchase, you read e

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little more about it and find out why that land became available so cheaply. You all don't know this, so you look down your nose at us. You consider us inferior. You try to keep our children ignorant so that we can be preyed upon and made to feel that since black people have never done anything, black people cannot do anything, and we cannot do anything; that everything was handed to us. We played a stronger role in the history of this country than a lot of your relatives and ancestors did. Benedict Arnold was a white man, not a black man. So when that bill comes out here, you all get ready, because the train is coming, and I'm going to be the engineer. And like Casey Jones, I'll die with the throttle in my hand, because that train is going to go full-bore, and those iron wheels will be striking fire as it moves down that track. We're going to learn some things during that debate, and none of those white operations is blameless, not the coalition from west Omaha, not the Omaha Public School system. There are almost unbearable issues that we as black people have to confront. While we watch the Omaha Public Schools on the left hand say that those Ku Klux Klanners out in west Omaha are racists, we agree. But the Ku Klux Klanners out in west Omaha point to the OPS and say, so are you, which is true. There is a sickening commercial that had been running...and I'm still on my first amendment, because I need a little time. Then I'm going to pull the others. I just want people to get ready and know what kind of session this is going to be. They talk about how the schools are becoming more segregated, how segregation is wrong, and not just that, it's illegal. And when you listen to that you say, aha! At last somebody is calling OPS to task for the segregation that they have engaged in since the beginning, which they recently, in a matter of...terms of a few years, floated a \$250 million bond issue for the expressed purpose of resegregating, formally and officially, the public schools in Omaha, under a so-called neighborhood school proposal, whereby they superimpose residential...a school system on a residentially segregated area of the city. So listening to that commercial you say, aha, the Omaha Public Schools are getting theirs. Then you listen a little further and find out that the commercial is in favor...

SENATOR CUDABACK: One minute.

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SENATOR CHAMBERS: ...of OPS. And OPS has taken its Ku Klux Klan hood off long enough to criticize the Ku Klux Klanners in west Omaha, who still have their hoods and regalis on. Oh, I'm going to be blunt, and I'm going to be very direct, and I'm going to ruffle some feathers, because all you have to do is listen to words from me. Our children suffer and have been cheated out of education ever since I've been on the face of this earth--cheated, cheated. We get the least qualified teachers; the schools which they call academies to try to prettify and sweeten the manure dumped on our kids in the form of inferior education, by calling them academies. I'll finish next time I'm recognized. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on the Chambers amendment, FA372, to LB 87. Open for discussion. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you, Mr. President. My job down here is to represent those who otherwise would have no voice on this floor, and I'm going to do it, and I'm going to do it with a vengeance when those bills come out here. And get ready to go to cloture. I won't have to do all that work myself, because there are going to be people popping up out of their chaire like white kernels out of a pan popping popcorn. And here's what I say: When OPS calls the suburbs recists, and the racists out there call OPS people racists, I call that the toilet seat calling the toilet bowl white. That's what that is--the toilet seat calling the toilet bowl white! You all like to say the pot calling the kettle black, don't you? Don't you? Everything you say, everything, practically speaking, that has the term "black" in it is designed to be negative and to put us down. Well, a toilet bowl services people in a way that a pot does not, and a kettle. And when I look at white people...what white people have done to black people in this country and all around the globe, toilet bowl is appropriate. And I'm not going to apologize, I'm not going to equivocate, and I'm going to be heard, because you're going to bring those bills out here, and I'm not going to be quiet. But on the other hand, if you all turn your lights on first and you eat up all the time, I'll just patiently wait. I can be very patient when patience is what the circumstances call for. Also complicating the matter will be

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those bills you all have clotured. You think they're great. You thought you were going to be rid of me by cloturing those bills and moving them on. I'm talking about the gun bill and that fetal assault bill. I haven't forgotten them, and I'm going to continue taking my tax from you, in terms of time used, exacting the Ernie tax. And I want to yell my colleagues by reminding you, when you talk on and on interminably on those bills, you're playing into my hands. Can any one of them get 33 votes? Will all of them get 33 votes? Will the body have to collectively agree that it's going to support all four of them, if they come out here, so that everybody supports everybody else? Is that what's going to happen? We will see what we will see, and I'm going to be in the middle of it. And I think it was John Paul Jones, I think, who said, I have not yet begun to fight. And when his crewmen heard that, they jumped all over him and said, well, that's why we're in the mess that we're in; you need to start fighting, John Paul Jones. Now if he's not the one who said it, you all don't know. I can say anything on this floor I want to. I can make up a statement and say, Edgar Allan Poe said that, and because you respect Poe, that will make you pay attention to what I've said,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...because as soon as you can attach somebody's name to a statement, Americans automatically say, wow, that's important. Well, even if somebody said it who was famous, that doesn't mean the statement makes sense. But I've studied America, I've studied Americans, I've Americana, and I'd venture to say I know American history better than everybody on this floor, because you all don't have to pay attention to it. You've got everything for yourselves. I need one more time, Mr. President.

SENATOR CUDABACK: And you may continue, Senator Chambers.

SENATOR CHAMBERS: Thank you. When white people talk against affirmative action, white men have always had affirmative action. Incompetent white men get jobs, totally unqualified for them. They expect it; they take it for granted. George Bush was given consideration in going to school because his daddy was

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something or other. White men have always had affirmative action, with a difference: Before a black person can get a job or white women, in some cases, they have to be super qualified. Black women have been virtually erased from sight and consideration in this society. There is no group more set-upon, abused, and discriminated against than black women. White women get abused, they get mistreated, and I have sponsored legislation and supported other legislation to try to address their situation. Some people need to go back and do a little research on what was called the displaced homemaker legislation, concerning itself with the plight of white women. But white women don't face anything like what black women face and confront. And those are things which need to be addressed, and I'm going to do it. Had I not been willing to address the fact that the Governor, who is now the Secretary of the U.S. Department of Agriculture, Johanns, was not appointing women to boards and commissions, those kind of appointments would not have been made. But I laid on it and stayed on it until he started doing differently. White men are not going to speak for white women. What they're going to tell you is that they control your body, they control your reproductive system. The state has a proprietary hold on your reproductive system, and these men spend an inordinate amount of time talking about your reproductive system and how they're going to control it and thereby control you. And they get you all, who are a majority of the population, to go along with it. You don't open your eyes and see what's happening to you. You think they care about fetuses, even? No, they talk about them because they want to elevate anything above a woman in value that they can. That's what they're doing. That's why I'll always take as my point of departure the woman, the woman, the woman--not a zygote, not a fetus, not an embryo. But that's not what these men who control everything do, and they control you all, and you go along and you holler for these things they're talking about just as loud as they do, without having sense enough to realize they're putting shackles on you. Consider your status in this society, and you will understand that I'm telling you the truth. What about these white women who have all the qualification in the world and they encounter what they call "the glass ceiling." You bump up against it, you can see through it, but you cannot penetrate it. What about that? Am I making that up? Glass

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ceiling is not even a term of my creation. Why do they have to talk about an equal rights amendment in the United States of America, which is aimed primarily at helping white women? Because white men have no respect or regard for white women. That's what the problem is, yet a white woman birthed every one of them, every one of them. Yet the disrespect, the devaluation of women that goes on in this country suggests to me that they have a problem with their own mothers. And I'm sure some psychologists, psychiatrists, and others...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...could put a name to that kind of attitude. Why are there so many what they call "flesh" and "girlie" magazines? Why is there so much so-called male entertainment based on the degradation of women, the "thingafication" of women? These musical videos that these young, ignorant black men called hip-hoppers, many of whom are managed by white women and Jews, not by black people, who did not live in the streets, who by and large were middle class and upper middle class, pretending that they suffered what some of us down here on the ground suffered, and theirs will deal with women as body parts, a booty, breasts. They squat down and you look at them, and they open and close their legs. And what do you think that's about? And that teaches respect for women?

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: I didn't quite get through. I'm going to withdraw that pending amendment, however.

SENATOR CUDABACK: Are you withdrawing that amendment, Senator?

SENATOR CHAMBERS: Yes.

SENATOR CUDABACK: It is withdrawn. Mr. Clerk, please, next motion.

CLERK: Senator Chambers would move to amend with FA373. (Legislative Journal page 485.)

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SENATOR CUDABACK: Senator Chambers, to open on FA373.

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. Continuing, because eventually I will withdraw that one, too, you notice how whenever you turn on your television, and women are being portrayed...and I'm not talking about black women now. Our women are portrayed always as sexual objects, as what are called "ball-busters," emasculators of black men, maids; never a thinking, intelligent being. But it's not much better for white women. Look at it and see what your society thinks of you. Then you have people running down here talking about restricting where sexual predators can live, but you're not concerned about the way women are depicted and degraded and demeaned. What are little girls to think their role in life is? Where are the role models for them? I'll tell you where they are. There are people on the right wing who like to talk about black children born out of wedlock. I told you about the child born out of wedlock to a bishop over in Ireland, white. And in other parts of the country, white children born out of wedlock, the daddy is a priest, a bishop or an archbishop. They don't talk about that. But you see these good, popular white women, pregnant, unmarried. You see them swapping husbands and the men swap wives. These are the people held up as the examples, and why do you condemn young people for leeching onto what you all as adults have put in front of them and showed them is the way to go, the thing to do? And all around them they see grown women trying to duplicate what they see on that television, to the extent that they can. I'm not a prude, but I really am troubled when I see any category of human beings degraded, demeaned, converted to the status of chattels and things. Women's opinions are dismissed as having no consequence. They may pose a question, which is ignored. People talk about them while they're present, as though they were not there. A woman may begin to speak in a gathering, and some man jumps in and takes it over and is going to say what she means, or just silence her. And conditioned as most of them are, they'll be silent and just sit down. I remember when a woman was running for the presidency, and she wept about something, and that was jumped on immediately to show how women couldn't cut the mustard. And now you see men bawling all the time, boohoo hoo. I mean the big ones, the senators, the

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congressmen, the others, the CEOs. As soon as they get caught with their hand in the cookie jar, what do they do? Here come tears streaming down. And what do they do? They drag that woman, whom they have insulted and debased through their misconduct, to stand beside him, because he's a coward. You'll always see, every one of them who is caught, dragging his wife to stand by him. But these men wouldn't stand by a woman if she got caught in bed with several men, would they? Would they? You know they wouldn't. And I'm going to talk about this a lot more when those bills come out here. In fact, I'm going to talk about these things maybe when any bill comes before us, when I think the bill lends itself to this. Senator Byers' bill just happens to have come up at a time when other matters are going to be presented and argued before a committee of the Legislature. I'm not a member of the Education Committee, and I thank my lucky stars for that, but I'm conscious of things that go on in these various committees, and my colleagues on that committee are going to earn their money today. But I'm curious to see what they send out here for us to battle over and go to war about, and I'm in the mood for that now. Senator Synowiecki is cutting out. Now if he had stayed, maybe he would have heard me come up and tell him that he's got a bill that I was thinking about prioritizing for him. That's how you get their attention. He doesn't care what I'm saying about uplifting women, but maybe prioritizing a bill will get his attention, and I seriously am, even though he's running out on me, because the bill has merit. But another difference between me and my colleagues is that I just don't care whether people like what I say or not. They can run down to their offices, but they'll hear my voice if their television is on, or if any are turned on, because as they walk through the hall they'll hear it. And they'll listen; they don't have any choice. And when the bills come out here that they really care about, I'm going to tell them, but you like those guns more. Carrying hidden guns means more to you than all this other legislation. Making a fetus, an embryo, or a zygote more important than a woman is more important to you than this other legislation. And I'm going to play by the rules you all write, and with that, Mr. President, this amendment that's pending I will withdraw.

SENATOR CUDABACK: FA373 is withdrawn.

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SENATOR CHAMBERS: And while I'm on it, I will withdraw FA374 and FA375.

SENATOR CUDABACK: FA374 and FA375 are withdrawn, also.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. We are now back to discussion of LB 87. Any further discussion? Senator Byars, there are no lights on. You're recognized to close. Senator Byars waives closing. The question before the body is, shall LB 87 advance to E & R Initial? All in favor vote aye; opposed vote nay. Voting on the advancement of LB 87. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CUDABACK: LB 87 advances. We now go to LB 87A. Please, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 87A was introduced by Senator Byars. (Read title.)

SENATOR CUDABACK: Senator Byars, to open on LB 87A.

SENATOR BYARS: Thank you, Mr. President. LB 87A is very simple. It's a \$4,500 A bill; that's \$4,500. We don't often work in those numbers around here, but it is...it comes from the Commission for the Deaf and Hard of Hearing Cash Fund, so there's no additional General Funds spent. The A bill is \$4,500 that's necessary from the existing deaf and hard-of-hearing funds, and I would ask you to advance LB 87A.

SENATOR CUDABACK: Thank you, Senator Byars. You've heard the opening on LB 87A. Open for discussion. Senator Byars, there are no lights on. Senator Byars waives closing. The question before the body is, shall LB 87A advance to E & R Initial? All in favor of that motion vote aye; all opposed vote nay. Voting on the advancement of LB 87A. Please record, Mr. Clerk.

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ASSISTANT CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CUDABACK: LB 87A does advance. We now go to the next agenda item, LB 85. Please, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 85, introduced by Senator Byars. (Read title.) The bill was read for the first time on January 6 of last year, referred to the Health and Human Services Committee. That committee reports the bill to General File with committee amendments etched. (AM0126, Legislative Journal page 379, First Session, 2005.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Byars, to open on LB 85.

SENATOR BYARS: Thank you, Mr. President. LB 85 is a bill which increases preburial arrangements, that increases the set-aside that a person can set aside, from \$3,000 to \$4,000 for a pre-need burial. The last set-aside was established in 1983. Senator Marge Higgins introduced and carried that legislation, and if we don't remember Senator Higgins, then it's probably time that we increased the set-aside. Today's cost for funeral services and all of those things necessary for us to be buried today average about \$7,700. What this does is allow people to have some dignity, and we give them the opportunity to set aside this amount of money, and at that point, they could be qualified for Medicaid and start receiving state services. But these dollars can't be touched and will be used for a burial. If this doesn't happen and the person uses up these funds and becomes qualified for Medicaid, which is going to happen, typically, anyway, you take away that dignity of being able to pay for their own burial service. Plus, something that I'm not sure, and we'll talk about the fiscal note because I think that's the main concern here, but you put them into a pauper situation, where you have expenses on the part of the county, where they're residing, to pay for the pauper's funeral. They have limits that are set aside on how much they can pay toward a funeral, or how much they do pay for funerals. But the major question that I have run into is that we really should be doing some sort of a

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cost-of-living adjustment relative to this issue, so we give people the dignity of being able to set aside a few of their assets, their remaining assets, to be able to pay for a burial. So as part of this legislation, there is a cost-of-living adjustment that is included and does become adjusted annually, based on the Consumer Price Index, in order to keep better pace with rising costs. Philosophically, obviously, you can look at this and raise the question, should we, in effect, if...this is what deals with the fiscal...if you increase this \$1,000 that can be set aside, people can...will qualify for Medicaid earlier. That creates additional General Fund and matching federal fund dollars that we as a state are obligated to pay. That funding, that dollar amount, is very speculative at best, but we can talk about that some on the fiscal note. But LB 85 itself is fairly straightforward, increasing the set-aside from \$3,000 to \$4,000 and adding a cost-of-living adjustment. And I would ask that LB 85 be advanced.

SENATOR CUDABACK: Thank you, Senator Byers. You've heard the opening on LB 85. Open for discussion. Senator Chambers, followed by Senator Loudon. I'm sorry. I'm sorry. There are committee amendments, as stated by the Clerk. I apologize. Senator Jensen, Chairman of the committee, you're recognized to open.

SENATOR JENSEN: Thank you, Mr. President, members of the Legislature. The amendment to LB 85 is a technical amendment, very short. On page 2, line 9, we strike the word "department" and insert "Department of Health and Human Services," and after "annually," insert "September 1," and in line 27 strike "each year" and insert "annually on September 1." That is really all the amendment does, strictly technical in nature, and I would urge its adoption.

SENATOR CUDABACK: Thank you, Senator Jensen. You've heard the opening on the committee amendments offered by Senator Jensen. Open for discussion. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Jensen a question, if he'll answer.

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SENATOR CUDABACK: Senator Jensen, would you yield to a question?

SENATOR JENSEN: Yes.

SENATOR CHAMBERS: Senator Jensen, instead of saying...what was that last thing you said? You said annually?

SENATOR JENSEN: Annually on September 1.

SENATOR CHAMBERS: All right. Now are you sure that that word is spelled correctly on the gadget? Are you sure?

SENATOR JENSEN: No, I'm not sure.

SENATOR CHAMBERS: You think it should be spelled correctly, so that it won't be confused with something that might sound like...

SENATOR JENSEN: I...it should be spelled correctly, yes.

SENATOR CHAMBERS: Do you wonder if it's spelled correctly now?

SENATOR JENSEN: Yes, I do.

SENATOR CHAMBERS: If you had read it on the gadget you would know, wouldn't you?

SENATOR JENSEN: I've got a print off of that.

SENATOR CHAMBERS: And is it spelled correctly on the print off?

SENATOR JENSEN: I'll be honest with you, Senator, I do not know.

SENATOR CHAMBERS: Thank you, Senator Jensen. (Laugh) Members of the Legislature, I'm just going to let that simmer for a while. Senator Jensen does know, but he's not sure, because I created a doubt in his mind. Our job, among others, is to approach life with a question. Are the things we're told really

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as we're told they are? Are things what they seem to be? How easy is it to put a doubt in somebody's mind? That's how sometimes people are identified by a supposed eyewitness, because a cop has fed, through suggestion, something into that person's mind, which causes that person to be willing to say he or she saw somebody, usually a black person, do something whom that so-called witness had not seen at all. That's why a lot of people are being freed through DNA. Eyewitnesses swore that the person they saw did the crime, and that the person they saw do the crime is the one they identified, and it's an innocent person. But that's not the main reason I stood up on this. I want to ask Senator Byars a question.

SENATOR CUDABACK: Senator Byars, would you yield to a question?

SENATOR BYARS: Yes, I will.

SENATOR CHAMBERS: Senator Byars, this bill deals with burial, right?

SENATOR BYARS: Correct.

SENATOR CHAMBERS: It seems to me that anything that precedes the need to be buried would be more in the way of health insurance instead of burial. Before you need to be buried, you're alive, right?

SENATOR BYARS: Correct.

SENATOR CHAMBERS: You need to be buried only after you're dead, right?

SENATOR BYARS: That's the way that I would interpret it, yes.

SENATOR CHAMBERS: So why do we call this pre-need instead of post-need? The need comes after you're dead.

SENATOR BYARS: But you set aside the dollars prior to the time that you're dead.

SENATOR CHAMBERS: Well stated. I accept that. Who asked that

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this bill be brought,...

SENATOR BYARS: It was brought...

SENATOR CHAMBERS: ...the undertakers?

SENATOR BYARS: Yes, this was brought to me by the funeral directors themselves.

SENATOR CHAMBERS: The undertakers are really some compassionate people, aren't they?

SENATOR BYARS: My friends who are funeral directors are compassionate.

SENATOR CHAMBERS: They're the last ones to let you down, too, aren't they?

SENATOR BYARS: (Laugh) Not in all instances.

SENATOR CHAMBERS: Now the meek shall inherit the earth, and the undertakers are there to make sure that that happens, not only to the meek, but to the not so meek also, right?

SENATOR BYARS: (Laugh) Right.

SENATOR CHAMBERS: Senator Byars, when we get right down to it, despite all of the soft music, the odd smell that you find in funeral homes--they say they're flowers--these primarily are salespersons and businesspeople, aren't they?

SENATOR BYARS: They are in business, yes.

SENATOR CHAMBERS: And they sell products, they sell services, and what not, don't they?

SENATOR BYARS: That's correct.

SENATOR CHAMBERS: Any and everything they do...

SENATOR CUDABACK: One minute.

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SENATOR CHAMBERS: ...carries a price tag, isn't that true?

SENATOR BYARS: That is correct.

SENATOR CHAMBERS: So people, in some instances, wind up...during their time of grief and sometimes feeling of guilt, can be prayed upon by some of these undertakers, can't they, and made to feel that if they really respect the dead one, they should put a lot of money into that undertaker's pocket, so that they can put something in the ground with that dead one? Doesn't that happen?

SENATOR BYARS: I would hope it wouldn't. I...you...

SENATOR CHAMBERS: I'm not talking about hopes. We're pragmatists this morning.

SENATOR BYARS: I really don't have any knowledge of that, Senator, so I don't think I can, from an intellectual standpoint, make that statement.

SENATOR CHAMBERS: Thank you, Senator Byars. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion? Senator Louden.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I would like to ask Senator Byars a question, if he would yield, please.

SENATOR CUDABACK: Senator Byars, would you yield a question from Senator Louden?

SENATOR BYARS: Yes, I will.

SENATOR LOUDEN: Senator Byars, at the present time, when people are on Medicaid and don't have funds for their burial, who pays for that burial expense? Is that the state or is that the county?

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SENATOR BYARS: That's the counties.

SENATOR LOUDEN: Okay. Now what this would do, as adding this, this would help on a county level, so that the county wouldn't be probably as apt to have to pick up as much money. So when we look at the fiscal note, this could be something that would...you'd hate to say, but this is revenue that the state would lose because of the \$1,000 extra exemption. But it would be actually money, or it would be monies that would improve the situation for the counties. Is that correct?

SENATOR BYARS: Absolutely correct, Senator.

SENATOR LOUDEN: Yeah. Thank you, Senator Byers. I support this bill, and then of course I support the amendments to it, whether annually is spelled right or wrong. If it's spelled wrong, it's spelled wrong all over the place, so I guess we'll go from there. But for that, I think this is something that is probably...will help out. It's time we raised it a little bit. There's people that certainly set money aside when they're in years...for burial expense, and as time comes on, sometimes they end up in homes with a loss of their assets, and so they not necessarily had that planned ahead of time that they would be on Medicaid, but nonetheless, if they have set aside money for that, why, it would be something that would go towards helping our counties' levy situation. So I certainly think this is something that's worthwhile, and I encourage the advancement of it. Thank you.

SENATOR CUDABACK: Thank you, Senator Louden. Discussion of the Health Committee amendments to LB 85? Further discussion? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, unlike Senator Byars, I am aware of situations where undertakers have taken advantage of people, and I've had complaints brought to me by people, especially when they live outside the state. A departed person may be cremated. The undertaker will promise to have those remains "FedExed" and arriving at their destination at a certain time, and that did not occur. Then the person,

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because he or she is outside of the state, has trouble contacting the undertaker. In some instances, there might be a policy in effect that, among other things, will cover burial expenses. The burial expenses will not eat up the entire amount of the policy, despite the best efforts of the undertaker to make that happen. Then the person has trouble getting an accounting of the excess money over what the funeral expenses were. What I try to tell people is that undertaking is as honorable a profession as any other, and it fits in the category of what buzzards and vultures do, because they clean up the carrion that could otherwise lead to diseases. And after somebody is dead, there should not be an attempt to make the living view that corpse as though it is still alive and conscious of what is going on, and will somehow bring imprecations on the head of the living if some very lavish funeral is not conducted, if money is not put into a very expensive box, into an ornate vault, which is not going to be seen. We ought to pass a law, if we're going to pass anything in this area, restricting what can be done with these vaults. There are cemeteries which want the vault, so that the ground won't sink if you just put the box there, and they want these stones now to be flat, not sticking up, so that when they cut the grass, they can just run the grasscutter over everything and do it easily. And I don't blame them for that. But I do blame those who are in the in...or at the location on this continuum, who can try to make people feel guilty about how they're going to send somebody away from here. I have accompanied people to undertaking establishments, and I've told the person, let me decide what's going to be spent. And when we look at the coffins, I say, we don't need to look at velvet or satin or anything else. Show me the cheapest box you got. And when they show me, I say, that's it. Now show me the cheapest vault you got, and they bring these out here that are painted with...spray-painted with gold and silver and other things. I say, I know you got something just plain concrete; you've got that, haven't you? Well, yeah. That's what I want to see, and that's what we want. Then I go down the list of all these things that they put on here. I say, they don't need this, they don't need that, they don't need the other, they don't need all these cars. And by the time I get through, that person has been spared large expenditures and they're grateful. They will say,

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I could not have done that. They feel guilty in front of an undertaker, as though they have an obligation to please this person whose only aim is to get as much money out of that person's pocket as possible. I'm not going to oppose this bill.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: If people are foolish enough to put large amounts of money aside for the undertaker, let them spend it the way they want to. The undertaker tell them, you can't take it with you, so let me take it from you, but it's not that blunt and that direct. Oh, they fold their hands, they look so sympathetic, and they understand all of the feelings of the family. They speak in those low, sepulchral tones, and everything in the funeral home is subdued, and that odor that I mentioned, make people feel like they are, in fact, entering the house of death, and they may not emerge alive, if they pay as much attention to what they're spending as they do when they go to buy a car, or anything in a grocery store. It's not often that we have a bill like this, where things like undertakers' prices...

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: ...can be discussed. Thank you, Mr. President.

SENATOR CUDABACK: You're welcome. Further discussion? Senator Jensen, there are no further lights. You're recognized to close on the Health and Human Services Committee amendments. Senator Jensen waives closing. The question before the body is, shall AM0126, offered by the Health and Human Services, be adopted to LB 85? All in favor vote aye; opposed, nay. Senator Jensen, are you voting, or are you wishing to talk? Thank you; wasn't doubting your abilities. Further discussion...I mean, further voting who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: 30 ayes, 0 nays on the adoption of committee amendments, Mr. President.

SENATOR CUDABACK: Health and Human Services Committee

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amendments have been adopted. Mr. Clark, anything further on the bill?

ASSISTANT CLERK: Nothing further.

SENATOR CUDABACK: Back to discussion, advancement of LB 85. Senator Chambers.

SENATOR CHAMBERS: Mr. President, I remember bits and pieces of some things, but not in detail. There was something in one of the plays that Shakespeare wrote, and it was something like a riddle, but it could be taken seriously. This person was saying, it's not as deep as a well, it's not as wide as a church door, but it will serve the purpose. When you inquire after me tomorrow, you will find that I am a grave man. So it's clear he was describing a grave. But Shakespeare had kind of a different way of doing that. People throughout history have had fun dealing with that grave subject. I think the most barbaric practices in this society surround the way dead people are handled and disposed of. They have all of this practice of treating a corpse with more respect than they ever treated the person who inhabited that dead clay when that person was walking, talking, breathing. So many things are skewed in this society. In those cultures where they don't have a lot of land, and in others where it's their practice, and corpses are burned, that is wise. People know that death has come, that death is a part of this process of being a human being, and nobody is going to escape death. So instead of surrounding it with all this mumbo jumbo, this stuff of sitting around a room with a box and a corpse in it, having what they call visitation and viewing, and the corpse is looking horrific, then they cart the corpse into a church and somebody stands up there, and may not even know who the person was who's there, and has these stock boilerplate phrases: he or she will be greatly missed; oh, he did the best he could, she did the best she could. And what they ought to do is tell the truth: I hope he ain't where I think he is, and I hope he is where I know he ain't, and let that be it. That's enough said. But people have to fabricate. They pretend that they cared about the person. And in many instances, if those who come around with all the tears and the pretended caring had genuinely cared, maybe they could have

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lifted some of the burden from that person and he or she might not have left here as soon as he or she did. But every society, in my opinion, would be better off to just let the dead be gone. Where Jesus said, let the dead bury the dead, he made a good statement there. I'd like to ask Senator Byars a question.

SENATOR CUDABACK: Senator Byars, would you yield?

SENATOR BYARS: Yes, I will.

SENATOR CHAMBERS: Senator Byars, this will give you a heads up, and you can answer it when we get to it. But I do want you to be able to explain to me in detail why we have an A bill the size of this A bill, considering what it is that we're talking about. I'm not going to oppose your bill. I'm going to vote to advance it. If people want to handle their affairs in this manner, I'm not opposed to that. If by so doing there is just a fraction of an amount of money that they can make better use of while they're alive, or they're put in a circumstance where they can receive some benefit while they're alive which otherwise they couldn't, that alone gives the bill some validity. So despite what I've said, I'm going to support your bill. Thank you, Mr. President.

SENATOR CUDABACK: Further discussion on advancement? There are no lights on. Senator Byars, you're recognized to close.

SENATOR BYARS: Thank you, Mr. President. I think the discussion has been good. And certainly, there are philosophical differences on how and why we should celebrate or not celebrate our end of life. But the bill itself is fairly simple, and I would ask you to advance it to Select File.

SENATOR CUDABACK: Thank you, Senator Byars. You've heard the closing. The question before the body is, shall LB 85 advance to E & R Initial? All in favor vote aye; all opposed vote nay. The question before the body is advancement of LB 85. Have you all voted on the question who care to? Please record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of

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LB 85.

SENATOR CUDABACK: LB 85 does advance. Mr. Clerk, we now go to LB 85A.

CLERK: LB 85A, by Senator Byars. (Read title.)

SENATOR CUDABACK: Senator Byars, to open on LB 85A.

SENATOR BYARS: Thank you, Mr. President. And I'll try to explain what I have from the Fiscal Office relative to the fiscal note. I think it is very, very speculative. I'm certainly not saying that ultimately, in the very maximum of circumstances, that we might not hit this fiscal note. But the most current fiscal note that you have in front of you would show that we have a fiscal note of General Funds to be expended in the amount of \$105,226, if I have the current fiscal note. Now, why I'm confused--and Senator Chambers, you might make note also--the first fiscal note that we as a Health Committee received showed expenditures in General Funds, not counting the federal funds, which are \$223,000, but General Funds, \$150,000; in fiscal year 2006 and '07 of \$373,800. Now, the next fiscal note that we received, February 3 of 2005, showed a General Fund expenditure of \$48,000, federal funds of \$72,000, and a total of \$120,000. Now the most recent fiscal note that we have shows General Fund expenditures of \$105,000, and federal funds of \$145,000. All of it is based on increasing the amount of assets that count...that are not counted toward Medicaid eligibility, and that it will result in some people qualifying for Medicaid sooner than they would have otherwise. And the department has based their estimates on an average of approximately ten people a month in nursing homes would become Medicaid-eligible one month earlier. And based on an average cost in a nursing home of \$3,115, that would increase the total cost by \$373,800. It's speculative. I think that...I don't know how else you prepare a fiscal note like this. I'm certainly not faulting the Fiscal Office. I think they've tried to do what they can. I think, as Senator Loudon pointed out, this does not take into consideration what the cost for those same individuals may have been if they need a pauper's burial, or what the cost would be to the 93 counties across the state of Nebraska. And certainly

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it's speculative as far as how many of these people would become eligible. And certainly is not a dollar amount that would be immediately needed to...in the General Fund, to be able to pay for these. That's the information that I have, based on what's been given to me by the Fiscal Office. This is an amount that has fluctuated from the time of the bill introduction to what we're looking at, at today's date. I think we all, of course, can have a conversation about Medicaid costs and what are our obligations as a government and as those people making policy. But this is the best I have to work with in order to give some dignity to people to set aside an amount so they can be buried not as paupers, but contribute to their own burials. And I would ask you to advance LB 85A.

SENATOR CUDABACK: Thank you, Senator Byars. You've heard the opening on LB 85A. Mr. Clerk, motion on the desk.

CLERK: Senator Byars would offer AM1879 as an amendment to the bill, Mr. President. (Legislative Journal page 357.)

SENATOR CUDABACK: Senator Byars, you're recognized to open on AM1879 to LB 85A.

SENATOR BYARS: Thank you, Mr. President. If I have the correct...

CLERK: AM1879 is the one I have, Senator.

SENATOR BYARS: Okay. I don't seem to have that in front of me. I'm sorry, Mr. Speaker. Thank you very much. Basically, it changes the fiscal note. I'm sorry for the confusion. I don't know...I did introduce this, and it decreases the amount of money in the fiscal year 2006-2007, \$59,594 from General Fund, \$82,296 from federal funds; and in fiscal year 2007-2008, \$105,226 from the General Fund, \$145,312 from the federal funds. So again, this reduces the last fiscal note that I had, which is in December. So this, in effect, becomes the fourth estimate on the part of the Fiscal Office as far as what the cost of this would be. I think it pretty much points out the speculative nature of what we're talking about. Certainly, again, don't want to disparage the work of the Fiscal Office. They do a

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wonderful job and I think doing the best that they can. But this amendment, in effect, does change the amount of the...decreases the amount of the appropriation from the December fiscal note.

SENATOR CUDABACK: Thank you, Senator Byars. You've heard the opening on AM1879, offered by Senator Byars to LB 85A. Open for discussion. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I do appreciate the fact that the Fiscal Office is willing to continue grappling with a fluid issue such as this, to give their best estimate of what money is going to be necessary based on information they get from Health and Human Services. And I'd like to ask Senator Byars a question or two, unless I should ask Senator Jensen. Senator Byars, if I'm going to ask questions about this expenditure that we're talking about, would that be more appropriately addressed to Senator Jensen, or you can handle it?

SENATOR CUDABACK: Senator Byars.

SENATOR BYARS: I think probably either one of us could, Senator. I'm being told that these changes in this were...basically came from the Health and Human Services' estimates, and not from the Fiscal Office.

SENATOR CHAMBERS: That's what I thought. And I was going to...because I want it clear that the Fiscal Office is in no way being castigated or criticized by any of us by our asking these questions. I'd like to ask Senator Jensen a question.

SENATOR CUDABACK: Senator Jensen, would you yield to a question from Senator Chambers?

SENATOR JENSEN: Yes.

SENATOR CHAMBERS: Senator Jensen, on what basis, if you know...well, before I ask you that question, let me ask you a previous one. Did anybody from Health and Human Services discuss how they arrived at the conclusions on which an A bill

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would be based?

SENATOR JENSEN: No. Of course, on the fiscal note it talked about how they came up with that figure, and it is a little speculative, as Senator Byars mentioned.

SENATOR CHAMBERS: Are...does their speculation include calculating how long one of these persons might live who now will be getting Medicaid or whatever it is, and for how long a period the person would get it, and that's how they arrived at this figure?

SENATOR JENSEN: No. They arrived at this by taking a percentage of those in nursing homes and those that are...would be eligible for Medicaid. I think that is really what they took their estimate on.

SENATOR CHAMBERS: Well, wouldn't the length of time a person lives have a bearing on how much it's going to cost the state to contribute to that person's upkeep?

SENATOR JENSEN: I don't think they took into...that into account, on how long they live. They just say that a certain percentage of these, when they die, will certainly be looking towards Medicaid and towards the state and federal funds to help them with their burial.

SENATOR CHAMBERS: Well, do they die faster than they...the rate at which they enter these nursing homes?

SENATOR JENSEN: I...

SENATOR CHAMBERS: Meaning that if those...if more died than entered, the amount spent would reduce as time went on, wouldn't it, because you have fewer people that you're assisting?

SENATOR JENSEN: Well, it's just the number of people that have...that are on Medicaid historically that they're taking that estimate from. I don't think there's anything as to how long they live.

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SENATOR CHAMBERS: It makes no sense to me how they arrived at this figure. So what I'm going to have you do, if you will, forget the questions that I've asked, and explain in the way you were trying to explain in response to my questions how they arrived at this figure. But before you do, let me ask you this. Is Health and Human Services telling us that because people can set aside an additional \$1,000 for this pre-need program, that \$1,000 will be deducted from the amount that is used to calculate whether or not they're entitled to certain benefits?

SENATOR JENSEN: I believe that's correct.

SENATOR CHAMBERS: And when they deduct that additional \$1,000, it will have to actually have been deposited or...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...gotten out of the possession of the person, wouldn't it?

SENATOR JENSEN: That is correct.

SENATOR CHAMBERS: Oksy. They don't really know how many people are going to do that. Is that true?

SENATOR JENSEN: That is correct also.

SENATOR CHAMBERS: So how do they factor that into the final conclusion they arrive at? They don't know how many are going to do it, so they don't know how many are going to be affected.

SENATOR JENSEN: And I don't know if they've taken historical experience on that or not. Of course, that changes, too. People are living longer than they used to.

SENATOR CHAMBERS: And getting sicker and costing more,...

SENATOR JENSEN: That is correct.

SENATOR CHAMBERS: ...just being practical.

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SENATOR JENSEN: Right. And...

SENATOR CHAMBERS: That's all I will ask you. I...it's not that you haven't tried to help. I still don't understand how they arrived at their figure. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion on AM1879? Senator Chambers.

SENATOR CHAMBERS: Maybe, Mr. President, members of the Legislature, Senator Jensen can tell me an answer to this question. Senator Jensen, if this amount of money is appropriated in the first instance, which is a lesser amount than '06 and '07 or whatever the years are, if the amount appropriated for the first go-round is excessive, should we next year decrease the amount that we're going to appropriate in this program, or for this program?

SENATOR JENSEN: Well, Senator, you're...as you are aware, we have fiscal notes on many note...or, on many bills. And we take those fiscal notes, and we really ought to, at a certain point, take a look back and said, is that really correct, did that really happen? And we don't very often do that. And I would certainly recommend that we did that on a regular basis.

SENATOR CHAMBERS: Well, let me ask you this. If it turns out that more money is appropriated the first time around than is necessary, what becomes of that excess money?

SENATOR JENSEN: Well, the excess money is not spent, then, and goes into next year's budget. And...

SENATOR CHAMBERS: For HHS?

SENATOR JENSEN: ...so there is an adjustment that's made at that time, but...

SENATOR CHAMBERS: For HHS?

SENATOR JENSEN: Yes.

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SENATOR CHAMBERS: It will go into HHS's budget?

SENATOR JENSEN: Right.

SENATOR CHAMBERS: So if they have something left over from the first year, that would add even more to the second year, which amount is greater to start with than was in the first year?

SENATOR JENSEN: Yes.

SENATOR CHAMBERS: Who at HHS did this calculating, if you know?

SENATOR JENSEN: I really don't know.

SENATOR CHAMBERS: Somebody could have just said, well, I think this is a reasonable figure, and we wouldn't know the difference, would we?

SENATOR JENSEN: We may not, that is correct, unless a year from now, as you're saying, go back and look.

SENATOR CHAMBERS: Suppose we didn't appropriate anything. That wouldn't shut down, because it's a relatively minuscule amount when you weigh it against HHS's entire budget.

SENATOR JENSEN: Right, and...

SENATOR CHAMBERS: Could they come back with...for a deficit appropriation?

SENATOR JENSEN: Well, our Medicaid budget is \$1,000,300,000, and so, yes, this is a minuscule amount when you talk...when you look at that total figure.

SENATOR CHAMBERS: So if we don't appropriate anything, nothing is going to be hurt, nobody is going to be deprived, and no car on HHS's train is going to be thrown off the track, if we don't appropriate anything. Isn't that true?

SENATOR JENSEN: You know, the Appropriations could probably tell you better on that than I can. But certainly it's not a

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great deal...amount of monsy when we look at the overall budget.

SENATOR CHAMBERS: So if I would...if I could succeed in killing this bill,...let me ask a question--thank you, Senator Jensen--of Senator Byars.

SENATOR CUDABACK: Senator Byars.

SENATOR CHAMBERS: Senator Byars, are you willing to hold this bill up until we find out what would happen if it's killed? Or you want it to follow along with the bill, then anything that I want to attempt I should attempt it on Select File?

SENATOR BYARS: I would certainly like to move ths A bill to Select File to be with the...with LB 85, and certainly will work to you to try to get through this. And I...if you...if I might take just half a minute, there was not agreement on the part of the Fiscal Analyst and the Department of Health and Human Services relative to what the financial amount wsa. The latest amendment that you have, which decreased the amount, came from our Fiscal Office, their estimates. And as I said originally, it is speculative. Would...the Health and Human Services, if we didn't pass this A bill, is still going to have to pay those Medicaid costs, regardless of whether we have it sppropriated or not. I think, as we have always done, as a matter of good business, we try to mske...put the dollars there to be able, in the event that it would be needed, to be able to pay them so that we don't have to take them from other funds.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: But Senstor Byars, what we're talking about here is reducing a person's estete, if you want to call it that, or assets, by \$1,000. We're not talking about somebody being able to deduct the cost of a summer home in Arizona or a luxury vehicle. So I'm not going to stop the bill from moving, but I may move to kill it, to set a precedent in the future when we have these kind of bills and they're based entirely on speculation. And I'm not condemning people for speculating to try to come up with some kind of figure, but the way they got to it doesn't make sense to me. Maybe I'm just too slow. But

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thank you, Mr. President. Thank you, Senator Byars.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion on AM1879? Seeing no lights on, Senator Byars, you're recognized to close. Senator Byars waives closing. The question before the body is adoption of AM1879. All in favor vote aye; opposed, nay. Have you all voted on the motion who care to? We're voting on the Byars amendment, AM1879. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 25 ayes, 0 nays on adoption of Senator Byars' amendment.

SENATOR CUDABACK: The amendment has been adopted. Mr. Clerk, anything further on the bill? Open for discussion, advancement of E & R Initial. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, for the record, and I'm not going to hold the build up, I want...bill up, I want to explain what I'm getting to. When you have these gigantic budgets, some of these piddling amounts can be absorbed by the money that the agency has. I don't want to encourage them to bring these little "nitpicky" amounts and have us appropriate by way of an A bill an amount which they easily could absorb, especially when it's such a speculative amount. A hundred and five thousand dollars I could make use of to further fund an HIV/AIDS program, and in that program, \$105,000 would mean something. But to not give this amount of money to HHS, when we're talking about a program that has a billion-dollar budget, say, or more than that, they can absorb some of these things without any problem whatsoever. So when we get to Select File, I'm going to try to kill this A bill. And maybe Senator Byars, in the meantime, or Senator Jensen, or the two of them together, can talk to HHS and see if they cannot absorb the amount, the very speculative amount, that is proposed by this A bill as being needed. And that's all I have. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Seeing no lights on, Senator Byars, you're recognized to close. Senator Byars waives closing. The question before the body is, shall LB 85A advance to E & R Initial? All in favor vote aye; opposed vote nay. We're voting on the advancement of LB 85A. Have you

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all voted who care to? We're voting on advancement of LB 85A.
Record plesse, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of
LB 85A.

SENATOR CUDABACK: LB 85A does advance. Mr. Clerk, next bill.
Mr. Clerk, items for the record, please.

CLERK: Mr. President, Natural Resources Committee has selected
LB 975 as one of its committee priority bills, signed by Senator
Schrock, as Chair. Hearing notices from Natural Resources
Committee, and from the Appropriations Committee, signed by
Senators Schrock and Pederson. Your Committee on Revenue,
chaired by Senator Landis, reports LB 769, LB 804, LB 966,
LB 988, LB 1032, and LB 1094 as indefinitely postponed.
Committee on Natural Resources, chaired by Senator Schrock,
reports LB 975 to General File with amendments attached.
Senator Landis, an amendment to be printed to LB 75.
(Legislative Journal pages 498-501.)

And a priority motion, Mr. President: Senator Kopplin would
move to adjourn until Tuesday, January 31 at 9:00 a.m.

SENATOR CUDABACK: You've heard the motion to adjourn till
Tuesday, 9:00 a.m. All in favor say aye. Opposed, nay. We are
adjourned.

Proofed by: JAH